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EXAMINER

BAYARD, DJENANE M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/748,053	Applicant(s) HAMASAKI ET AL.	
	Examiner DJENANE M. BAYARD	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2 and 4-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to amendment filed on 6/23/08 in which claims 1-2 and 4-32 are pending.

Response to Arguments

2. Applicant's arguments have been fully considered but they are not persuasive.

As per claims 1 and 11, Applicant argues that Zhao fails to teach that a particular one of the plurality of individual servers access or manage a particular one of a plurality of regions of data and content in one of the intelligent devices. However, Zhao clearly teaches wherein "Database enables a client on network or client to manage the objects associated with intelligent devices" (See paragraph [0058]). Furthermore, Zhao teaches "Database includes object property tables (*Server side components*) describing the objects associated with intelligence device (See paragraph [0033]). Furthermore, Applicant argues that Zhao fails to teach each of the plurality of regions of data and content in the electronic device are adapted to employ a security mechanism enabling a particular one of the plurality of regions of data and content. However, Zhao teaches wherein "device property table includes a device digital identifier (DEV_ID). Preferably the device digital identifier (DEV_ID) in device property table is the same as than in device index table" (See page 5, paragraph [0022]).

As per claim 15, Applicant argues that Merrill fails to teach a management server facilitating management of firmware or software in the electronic device. However, Merrill clearly teaches wherein application download and configuration instructions provided upon request by management server 302 to mobile client (See page 4, paragraph [0050]). Furthermore, Merrill teaches Management server system 302 includes an inventory and

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discovery component 402 and distribution component 404. Inventory and discovery component 402 receives discovery data records from multiple mobile clients 304 as one or more electronic files 406 for purposes of asset management (See page 4, paragraph [0051]). Applicant argues that Merrill fails to teach a corporate software repository being employed for corporate virtual user group management and for distributing corporate software and corporate data to the electronic device. However, Merrill teaches wherein the user connects the mobile client 304 to the management server 302 over any combination of one or more wired and wireless networks. In an action 504, the user generates a polling event to request a list of available offerings 408 from the management server (See paragraph [0066]). Furthermore, Merrill et al teaches wherein the management server system 302 includes an inventory and discovery component 402 and distribution component 404 (See paragraph [0051], paragraph [0109] and paragraph [0111-0112]).

Applicant's arguments with respect to claim 21 have been considered but are moot in view of the new ground(s) of rejection.

As per claim 25, Applicant argues that Merrill fails to teach wherein the electronic device comprising non-volatile memory being segmented into a plurality of segments with a different one of the plurality of management servers associated with each of the plurality of segments. However, Merrill teaches wherein management server 12 might comprise a plurality of individual computers or servers (See paragraph [0006]). Furthermore, Merrill teaches wherein Logical components of mobile client device 304 include polling and notification component 412, a scheduling component 308, a download component 414, an installation instruction interpreter 416, and a program or package installation component 418. The polling and notification

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component communicates and receives messages respectively to/from management server 302. Communicated messages include, for example, data discovery requests to identify one or more offerings available for download, download requests, status (e.g., success, failure, incomplete, etc.) of offering delivery and installation, and so on. Messages received by the polling and notification component from the management server include, for example, download instructions, and downloaded packages (See paragraph [0056]).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-2, 4-7, 10-12 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. 2002/0124007 to Zhao.

- a. As per claim 1, Zhao teaches a mobile services network for management of service components in an electronic device, the mobile services network comprising: a plurality of regions of data and content in the electronic device (See page 5, paragraph [0040-0042] and figure 4); a plurality of server-side components, each of the server-side components managing at least one particular region of the plurality of regions of data and content in the electronic device

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(See page 4, paragraph [0033], page 5, paragraph [0044 and page 6, paragraph [0045-0046]).

Furthermore, Zhao teaches wherein each of the plurality of regions of data and content in the electronic device are adapted to employ a security mechanism enabling a particular one of the plurality of server-side components to access or manage a particular one of the plurality of regions of data and content (See page 4, paragraph [0034-0035] and page 5, paragraph [0042]).

b. As per claim 11, Zhao teaches a mobile services network comprising an electronic device having access to a plurality of services, and wherein the electronic device being adapted to be managed remotely, the mobile services network comprising: a management server for managing access to a plurality of services associated with the electronic device(See page 1, paragraph [0008], *the network server can send commands and requests to intelligent devices*); and a plurality of service management repositories for management of associated service components installed in non volatile memory of the electronic device. (See page 2, paragraph [0010]).

c. As per claim 4, Zhao teaches the claimed invention as described above. Furthermore, Zhao teaches wherein the plurality of regions of data and content in the electronic device comprise: a corporation related data and content region being managed by a corporate server-side component (See page 5, paragraph [0042]) ; an end-user related data and content region being managed by an end-user related server-side component (See page 6, paragraph [0048]; an operator related data and content region being managed by an operator related server-side component; and a manufacturer related data and content region being managed by a manufacturer related server-side component (See page 4, paragraph [0035])

d. As per claim 5, Zhao teaches the claimed invention as described above. Furthermore, Zhao teaches a management server for managing the electronic device, wherein the plurality of server-side components manage the plurality of regions of data and content in the electronic device via the management server (See page 2, paragraph [0010], page 4, paragraph [0033] and page 5, paragraph [0042]).

e. As per claim 6, Zhao teaches the claimed invention as described above. Furthermore, Zhao teaches wherein each of the plurality of server-side components are adapted to manage creating, updating, deleting, and configuring at least a corresponding one of the plurality of regions of data and content (See page 1, paragraph [0008] and page 5, paragraph [0042])..

f. As per claim 7, Zhao teaches the claimed invention as described above. Furthermore, Zhao teaches wherein each of the plurality of server-side components is associated with a corresponding region of the plurality of regions of data and content and each of the plurality of server-side components is further adapted to manipulate and manage the corresponding region See page 1, paragraph [0008] and page 5, paragraph [0042]).

g. As per claims 10 and 14, Zhao teaches the claimed invention as described above. Furthermore, Zhao teaches wherein the electronic device comprises one of a mobile cellular phone handset, personal digital assistant, pager, MP3 player, and a digital camera (See page 2, paragraph [0021]).

h. As per claim 12, Zhao teaches the claimed invention as described above. Furthermore, Zhao teaches wherein the associated service components comprise: at least one firmware and operating system layer; a communication stack; corporate data; and end-user personal data, wherein each of the associated service components employ a corresponding security service available in the electronic device (See page 4, paragraph [0035]).

5. Claims 15-27 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. 2004/0002943 to Merrill et al.

a. As per claim 15, Merrill et al teaches a mobile network capable of updating firmware and software in an electronic device, the mobile network comprising: a management server facilitating management of firmware and software in the electronic device (See paragraph [0051]); a corporate virtual user group management server for corporate user virtual group management (See page 6, paragraph [0099]); and a corporate software repository being employed for corporate user virtual group management and for distributing corporate software and corporate data to the electronic device (See page 7, paragraph [0109] and page 8, paragraph [0111-0112]).

b. As per claim 16, Merrill et al teaches the claimed invention as described above. Furthermore, Merrill et al teaches a digital rights management server for disseminating rights to use corporate software and corporate data disseminated by the corporate virtual user group

management server (See paragraph [0099-0100]).

c. As per claim 17, Merrill et al teaches the claimed invention as described above.

Furthermore, Merrill et al teaches wherein the electronic device further comprises: non-volatile memory; and a corporate data segment for storing and managing corporate software and corporate data in non-volatile memory, wherein management of the corporate data segment being conducted solely by the corporate virtual user group management server (See page 5, paragraph [0062]).

d. As per claim 18, Merrill et al teaches the claimed invention as described above.

Furthermore, Merrill et al teaches wherein corporate software repository being employed to update corporate software and corporate data in the corporate data segment in non-volatile memory of the electronic device; and an update package repository being employed to retrieve update packages for updating firmware and software in the electronic device (See paragraph [0033 and paragraph [0062]).

e. As per claim 19, Merrill et al teaches the claimed invention as described above.

Furthermore, Merrill et al teaches wherein software in the electronic device comprises: an operating system; and a plurality of applications updateable by the management server (See paragraph [0064-0107]).

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f. As per claim 21, Merrill et al teaches a method of managing a corporate data segment in an electronic device, the method comprising: retrieving corporate software and corporate data from a corporate data repository and facilitating retrieval via a corporate virtual user group management server (See paragraph [0051]); storing retrieved corporate software and corporate data in a corporate data segment of the electronic device (See paragraph [0062] ; retrieving rights to access or execute corporate software and corporate data from a digital rights management server (See paragraph [0099-0100]); and updating the corporate data segment (See paragraph [0026]); wherein the electronic device comprises a plurality of logically separate data segments; and wherein access to each of the plurality of data segments by a corresponding one of a plurality of data repositories is enabled by a corresponding security mechanism in the electronic device (See paragraph [0064] and [0107]).

g. As per claim 22, Merrill et al teaches the claimed invention as described above. Furthermore, Merrill et al teaches incorporating verification information in corporate software and corporate data retrieved from the corporate data repository; and updating the corporate data segment in the electronic device only after verification of the verification information (See paragraph [0099-0100]).

h. As per claim 23, Merrill et al teaches the claimed invention as described above. Furthermore, Merrill et al teaches incorporating end-user authentication information in corporate software and corporate data during retrieval from the corporate data repository (See paragraph [0099 and 0104]).

i. As per claims 20 and 24, Merrill et al teaches the claimed invention as described above. Furthermore, Merrill et al teaches wherein the electronic device comprises one of mobile cellular phone handset, personal digital assistant, pager, MP3 player, and a digital camera (See paragraph [0025]).

j. As per claim 25, Merrill et al teaches a mobile services network capable of managing firmware and software in an electronic device, the mobile services network comprising: a plurality of management servers for managing different logical segments of non-volatile memory of the electronic device (See paragraph [0006]); and the electronic device comprising non-volatile memory being logically segmented into a plurality of segments with a different one of the plurality of management servers associated with each of the plurality of segments (See paragraph [0033], paragraph [0044], paragraph [0045-0046] and paragraph [0056]).

k. As per claim 26, Merrill et al teaches the claimed invention as described above. Furthermore, Merrill et al teaches wherein the plurality of management servers employing digital rights management for security and for authorizing access to an associated one of the plurality of logical segments in the electronic device (See paragraph [0099 and 0104]).

l. As per claim 27, Merrill et al teaches the claimed invention as described above. Furthermore, Merrill et al teaches wherein the plurality of segments comprise a corporate data and software segment being associated with a corporate data management server being one of the

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plurality of management servers (See paragraph [0099 and 0104]).

m. As per claim 32, Merrill et al teaches the claimed invention as described above.

Furthermore, Merrill et al teaches wherein the electronic device comprises one of mobile cellular phone handset, personal digital assistant, pager, MP3 player, and a digital camera (See paragraph [0025]).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2002/0124007 to Zhao in view of U.S. Patent Application No. 2003/0022657 to Herschberg et al.

a. As per claim 8, Zhao teaches the claimed invention as described above. However, Zhao fails to teach wherein the plurality of regions of data and content further comprise: a firmware region managed by a management server which is managed by a wireless operator; an operating system region managed by the wireless operator; a corporate logos region managed by a

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corporate user access management server; a corporate confidential data and software region managed by the corporate user access management server; and a user data region managed by the end-user.

Herschberg et al teaches a firmware region managed by a management server which is managed by a wireless operator; an operating system region managed by the wireless operator; a corporate logos region managed by a corporate user access management server; a corporate confidential data and software region managed by the corporate user access management server; and a user data region managed by the end-user.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Herschberg et al in the claimed invention of Merrill et al in order to ensure that the user has an appropriate set of application on his or her devices (See page 4, paragraph [0095]).

b. As per claim 9, Zhao in view of Herschberg et al teaches the claimed invention as described above. Furthermore, Zhao wherein each of the plurality of regions of data and content comprise at least one update agent associated therewith for updating data and content, and wherein the at least one update agent is adapted to add, delete, configure, update, and manage associated regions of the plurality of regions of data and content (See page 3, paragraph [0029]).

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2002/0124007 to Zhao in view of U.S. Patent Application No. 2004/0203593 to Whelan et al.

a. As per claim 13, Zhao teaches the claimed invention as described above. However, Zhao fails to teach wherein the plurality of service management repositories further comprise: a corporate management server and repository for managing corporate data in the electronic device; an operator management server and repository for managing the communication stack in the electronic device; a manufacturer management server and repository for managing the at least one firmware and operating system layer in the electronic device; and an end-user management server and repository for managing end-user personal data in the electronic device.

Whelan et al teaches a corporate management server and repository for managing corporate data in the electronic device; an operator management server and repository for managing the communication stack in the electronic device; a manufacturer management server and repository for managing the at least one firmware and operating system layer in the electronic device; and an end-user management server and repository for managing end-user personal data in the electronic device (See page 5, paragraph [0067]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Whelan et al in the claimed invention of Zhao in order for each organization with management responsibility for management mobile units to create and manage a hierarchy suitable for the mobile units (See page 5, paragraph [0067]).

9. Claims 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2004/0002943 to Merrill et al in view of U.S. Patent Application No. 2003/0022657 to Herschberg et al.

a. As per claim 28, Merrill et al teaches the claimed invention as described above. However, Merrill et al fails to teach wherein the electronic device comprises a corporate data and software segment, and the electronic device being associated with a corporate user membership for an employee of a corporation, wherein the corporate data management server being adapted to erase at least a portion of the corporate data and software segment on the electronic device when the employee of the corporation associated with the electronic device severs an employment relationship.

Herschberg et al teaches wherein the electronic device comprises a corporate data and software segment, and the electronic device being associated with a corporate user membership for an employee of a corporation, wherein the corporate data management server being adapted to erase at least a portion of the corporate data and software segment on the electronic device when the employee of the corporation associated with the electronic device severs an employment relationship (See page 4, paragraph [0095]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Herschberg et al in the claimed invention of Merrill et al in order to ensure that the user has an appropriate set of application on his or her devices (See page 4, paragraph [0095]).

b. As per claim 29, Merrill et al teaches the claimed invention as described above.

However, Merrill et al fails to teach wherein the electronic device comprises a corporate data and software segment, and the electronic device being associated with a corporate user membership for an employee of a corporation, the corporate data management server being adapted to disable the electronic device when the employee of the corporation associated with the electronic device severs an employment relationship.

Herschberg et al teaches wherein the electronic device comprises a corporate data and software segment, and the electronic device being associated with a corporate user membership for an employee of a corporation, the corporate data management server being adapted to disable the electronic device when the employee of the corporation associated with the electronic device severs an employment relationship (See pages 5 and 6, paragraph [0116]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Herschberg et al in the claimed invention of Merrill et al in order to ensure that the user has an appropriate set of application on his or her devices (See page 4, paragraph [0095]).

c. As per claim 30, Merrill et al teaches the claimed invention as described above.

However, Merrill et al fails to teach wherein the electronic device comprises a corporate data and software segment, and the electronic device being associated with a corporate user membership for an employee of a corporation, wherein the corporate data management server is adapted to

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disable access to the corporate data and software segment of the electronic device to prevent unauthorized access to the corporate data segment in the electronic device.

Herschberg et al teaches wherein the electronic device comprises a corporate data and software segment, and the electronic device being associated with a corporate user membership for an employee of a corporation, wherein the corporate data management server is adapted to disable access to the corporate data and software segment of the electronic device to prevent unauthorized access to the corporate data segment in the electronic device (See paragraph [0092], pages 5 and 6, paragraph [0116]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Herschberg et al in the claimed invention of Merrill et al in order to ensure that the user has an appropriate set of application on his or her devices (See page 4, paragraph [0095]).

d. As per claim 31, Merrill et al teaches the claimed invention as described above. However, Merrill et al fails to teach wherein the electronic device is associated with end-user membership in a user group, and the electronic device comprises an end-user data and software segment, the end-user data and software segment comprising: a plurality of gaming software and address book data; and an end-user data and software management server, the end-user data and software management server facilitating management of the end-user data and software segment; facilitating membership to the user group, and authorizing access to the end-user data and software segment by at least one of a plurality of management servers.

Herschberg et al teaches wherein the electronic device is associated with end-user membership in a user group, and the electronic device comprises an end-user data and software segment, the end-user data and software segment comprising: a plurality of gaming software and address book data; and an end-user data and software management server, the end-user data and software management server facilitating management of the end-user data and software segment; facilitating membership to the user group, and authorizing access to the end-user data and software segment by at least one of a plurality of management servers (See paragraph [0006-0007], paragraph [0079], paragraph [0089]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Herschberg et al in the claimed invention of Merrill et al in order to ensure that the user has an appropriate set of application on his or her devices (See page 4, paragraph [0095]).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Djenane Bayard

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/D. M. B./
Examiner, Art Unit 2141

/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2144

<div>Application Number</div> <div></div>	Application/Control No.	Applicant(s)/Patent under Reexamination	
	10/748,053	HAMASAKI ET AL.	
	Examiner	Art Unit	
	DJENANE M. BAYARD	2141	